

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: ALLEN J EXETER, JR.
AKA: ALLEN JOSEPH EXETER, JR.

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

ALLEN J EXETER, JR.
AKA: ALLEN JOSEPH EXETER, JR.

CASE NO: 5-17-04273-JJT

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on September 17, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on May 4, 2018.
2. A Confirmation hearing was held and an Order was entered on July 10, 2018 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.
Id: 47613
Attorney for Trustee
Charles J. DeHart, III
Standing Chapter 13 Trustee
Ste. A, 8125 Adams Drive
Hummelstown, PA 17036
Ph. 717-566-6097
Fax. 717-566-8313
eMail: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA	Date: October 16, 2018 Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: September 17, 2018

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN ALLEN J EXETER, JR.
RE: AKA: ALLEN JOSEPH
 EXETER, JR.

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on September 17, 2018, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

MARK J. CONWAY, ESQUIRE
502 SOUTH BLAKELY STREET
DUNMORE, PA 18512-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

ALLEN J EXETER, JR.
1 FRED STREET
OLD FORGE, PA 18518

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 17, 2018

Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.